

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

FILED/ACCEPTED

NOV 26 2007

Federal Communications Commission
Office of the Secretary

In the Matter of

Amendment of Section 73.202(b),
 FM Table of Allotments,
 FM Broadcast Stations.
 (Hugo, Oklahoma)

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)
)
)

MB Docket No. 07-194
 RM-11397

To: Office of the Secretary
 Attn: Chief, Audio Division

COUNTERPROPOSAL

Liberman Broadcasting of Dallas License LLC ("Liberman"), licensee of Station KZMP-FM, Pilot Point, Texas, hereby submits its Counterproposal in the above captioned proceeding. Liberman proposes to upgrade KZMP-FM from Channel 285C1 to Channel 285C0 at a new site and is concurrently filing a Form 301 application to request this change. However, the allotment of Channel 285C0 to Pilot Point is short spaced to the proposal in this proceeding to allot Channel 286A at Hugo, Oklahoma.¹ Thus, in addition to filing a Form 301 application, Liberman is submitting its proposal as a Counterproposal in this proceeding.

The allotment of Channel 286A at Hugo will result in a third local service at Hugo (2000 U.S. Census pop. 5,536) as that community is already served by Stations KIHN(AM) and KITX(FM). The allotment of Channel 285C0 at Pilot Point will result in the provision of additional aural service to 1,026,226 persons within the proposed KZMP-FM 60 dBu allotment

¹ The allotment of Channel 285C0 to Pilot Point is also short spaced to (i) vacant Channel 285A at Hico, Texas, (ii) vacant Channel 285A at Broken Bow, Oklahoma, and (iii) a pending rule making to allot Channel 284A to Antlers, Oklahoma (MB Docket No. 07-182). Regarding vacant Channel 285A at Hico, Texas, Liberman is requesting herein to change the channel and site of this allotment from Channel 285A to Channel 293A. Regarding vacant Channel 285A at Broken Bow, Oklahoma, Liberman is proposing in its concurrently filed Form 301 application to change the allotment's reference coordinates. Finally in order to cure the short-spacing to the rule making to allot Channel 284A to Antlers, Oklahoma, Liberman is also concurrently filing the instant KZMP-FM upgrade as a Counterproposal in that proceeding.

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contour and to 1,407,008 persons within the proposed KZMP-FM 60 dBu application site contour. *See* Engineering Statement. Because neither the provision of Channel 286A at Hugo nor the provision of Channel 285C0 at Pilot Point furthers Priorities 1, 2, or 3 of the Commission's allotment priorities, the proposals must be compared pursuant to Priority 4. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). In this case, the Commission should favor the provision of new aural service to 1,407,008 persons over the provision of third local service to a community of only 5,536 persons.²

In order to allot Channel 285C0 at Pilot Point, Texas, Liberman requests that the Commission change the channel of the vacant allotment at Hico, Texas from Channel 285A to Channel 293A.³ As demonstrated in the attached Engineering Statement, Channel 293A can be allotted to Hico, Texas consistent with Section 73.207 the Commission's Rules with respect to all existing and proposed domestic allotments and facilities. A 70 dBu signal can be provided to Hico from the proposed reference coordinates.

For the foregoing reasons, Liberman respectfully requests that the Commission (i) grant the concurrently filed Form 301 application to upgrade KZMP-FM from Channel 285C1 to Channel 285C0 and (ii) change the channel of the vacant allotment at Hico, Texas from Channel 285A to Channel 293A. This will result in additional aural service to 1,407,008 persons within the proposed KZMP-FM 60 dBu contour.

² *See Emmetsburg, Iowa, et al.*, 17 FCC Rcd 18308 (2002); *Greenup, Kentucky*, 6 FCC Rcd 1493 (1991).

³ Pursuant to the Commission's new allotment procedures, "changes to vacant allotments will continue to be made via notice-and-comment rule making procedures." *See Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, 21 FCC Rcd 14212, ¶ 15 (2006). Thus, KZMP-FM's upgrade application and the instant petition for rule making are considered hybrid filings. *Id.* at ¶ 17.

Respectfully submitted,

LIBERMAN BROADCASTING OF DALLAS
LICENSE LLC

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Its Attorneys

November 26, 2007

ENGINEERING STATEMENT

prepared for

Liberman Broadcasting of Dallas License LLC

Liberman Broadcasting of Dallas License LLC ("*Liberman*"), licensee of KZMP-FM, Channel 285C1, Pilot Point, TX (file number BMLH-20070514AFY), is proposing a minor modification of KZMP-FM to achieve a "one step" increase to Class C0. This statement and associated exhibits support comments filed as a counterproposal to MB Dockets 07-182¹ and 07-194² and to request a contingent channel change to a vacant FM allotment on Channel 285A at Hico, TX. *Liberman* is contemporaneously filing FCC Form 301 which specifies the KZMP-FM Class C0 operation and a change in reference point coordinates associated with a vacant allotment on Channel 285A at Broken Bow, OK.

Accordingly, this is a "hybrid" proposal and the instant statement supports the comments filed as a counterproposal in MB Dockets 07-182 and 07-194. The KZMP-FM Class C0 proposal is contingent upon several proposed allotment changes as summarized in the following.

¹Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations (Antlers, OK), MB Docket 07-182, DA-4124, Released October 5, 2007.

²Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations (Hugo, OK), MB Docket 07-194, DA-4122, Released October 5, 2007.

KZMP-FM minor change application and counterproposal components

Vacant Ch. 285A Hico, TX	Change to Ch. 293A with reference coordinates 31° 56' 00" N-Lat 98° 02' 00" W-Lon Part of the instant counterproposal in MB Dockets 07-182 and 07-194
Vacant Ch. 285A Broken Bow, OK	Change reference coordinates to 34° 06' 21" N-Lat 94° 38' 09" W-Lon Filed in the KZMP-FM Form 301 application
NPRM for Ch. 284A Antlers, OK MB Docket 07-182	KZMP-FM upgrade filed as counterproposal
NPRM for Ch. 286A Hugo, OK MB Docket 07-194	KZMP-FM upgrade filed as counterproposal

Hico, TX

Channel 293A is proposed for substitution at Hico, TX with reference coordinates of 31° 56' 00" N-Lat, 98° 02' 00" W-Lon. This represents a 5.7 km site restriction to the south of Hico, to satisfy the required minimum distance separation to KDXX(FM) (Ch. 296C1, Benbrook, TX). **Table 1** provides an allocation spacing summary and demonstrates compliance with §73.207 to all authorized facilities, proposed stations, and allotments contained in the Commission's CDBS. A map depicting the uniform terrain city-grade contour radius from the allotment point is supplied as **Figure 1**. The principal community is totally encompassed by the 70 dBμ reference distance (community boundaries based on 2000 Census Tiger data). The proposed change to §73.202(b) is summarized below.

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Hico, TX	285A	293A

Proposed KZMP-FM Service Area Gain

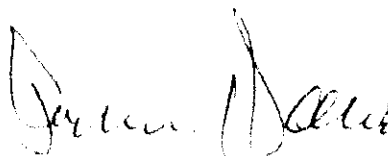
A comparison of the KZMP-FM 60 dBμ coverage contour is provided in **Figure 2**, for the presently licensed Class C1 and the proposed Class C0 operations. As shown thereon, the net gain in population based on uniform terrain contour circles is 1,026,226 persons (2000 census) for the proposed Class C0 allotment point when compared to the licensed Class C1 facility, and there would be no loss area. The actual 60 dBμ contour from the proposed KZMP-FM operation (actual site) would result in a net population gain of 1,407,008 persons. The 741 persons within the 60 square

kilometer loss area are well served with over five other full-time aural services. A summary of the area and population data is provided below.

Within 60 dB μ Contour	Area (sq. km)	Population (2000 Census)
Licensed KZMP Class C1 (uniform terrain)	16,467	1,516,578
Class C0 Allotment Point (uniform terrain)	21,852	2,542,804
Gain region from Licensed Class C1	5,385	1,026,226
Loss region from Licensed Class C1	0	0
Net Gain from Licensed Class C1	5,385	1,026,226
Class C0 Proposed Facility (42 kW 606 m)	21,720	2,923,586
Gain region from Licensed Class C1	5,313	1,407,749
Loss region from Licensed Class C1	60	741
Net Gain from Licensed Class C1	5,253	1,407,008

Certification

The undersigned hereby certifies that the foregoing statement and associated attachments were prepared by him or under his direction, and that they are true and correct to the best of his knowledge and belief.



Joseph M. Davis, P.E.
November 21, 2007

Chesapeake RF Consultants, LLC
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Manassas, VA 20112
703-650-9600

List of Attachments

- Table 1 Ch. 293A Hico, TX - §73.207 Allocation Spacing Study
Figure 1 Ch. 293A Hico, TX - Allotment Point Principal Community Coverage
Figure 2 KZMP-FM Pilot Point, TX Coverage Contour Comparison

Table 1**Ch. 293A Hico, TX****§73.207 Allocation Spacing Study**

prepared for

Liberman Broadcasting of Dallas License LLC**Chesapeake RF Consultants, LLC**Radiofrequency Consulting Engineers
Digital Television and Radio

REFERENCE

31 56 00.0 N.

CLASS = A

DISPLAY DATES

DATA 11-17-07

98 02 00.0 W.

Current Spacings

SEARCH 11-18-07

----- Channel 293 - 106.5 MHz -----

Call	Channel	Location		Azi	Dist	FCC	Margin
New Ch.	VAC	293A	Hico JMD	TX	0.0	0.00	115.0 -115.00
KDXX	LIC-N	296C1	Benbrook	TX	14.6	74.85	75.0 -0.15 •
RDEL	DEL	293C3	Llano	TX	209.3	147.42	142.0 5.42
DKEXX	VAC	293C3	Llano	TX	209.3	147.42	142.0 5.42
KDRW	CP -Z	294C3	Hewitt	TX	126.4	97.02	89.0 8.02
KZZA	LIC-N	294C	Muenster	TX	16.9	174.50	165.0 9.50
KOOC	LIC	292C3	Belton	TX	153.7	107.64	89.0 18.64
AU7054314	VAC	294A	Hewitt	TX	125.6	98.53	72.0 26.53
KHKS	LIC	291C	Denton	TX	53.7	123.91	95.0 28.91
RADD	ADD	293A	Granite Shoals	TX	196.4	146.20	115.0 31.20
KOOT	LIC	293C	Jacksonville	TX	86.1	257.37	226.0 31.37
AL9370	VAC	290C3	Rising Star	TX	282.0	90.05	42.0 48.05
RADD	ADD	295A	Blanket	TX	256.9	80.29	31.0 49.29
RADD	ADD	294A	Cross Plains	TX	279.8	122.48	72.0 50.48
RDEL	DEL	240C1	Mineral Wells	TX	352.0	81.82	22.0 59.82
KFWR	LIC-N	240C1	Mineral Wells	TX	351.5	81.92	22.0 59.92

* Fully spaced when rounded to the nearest kilometer per §73.208

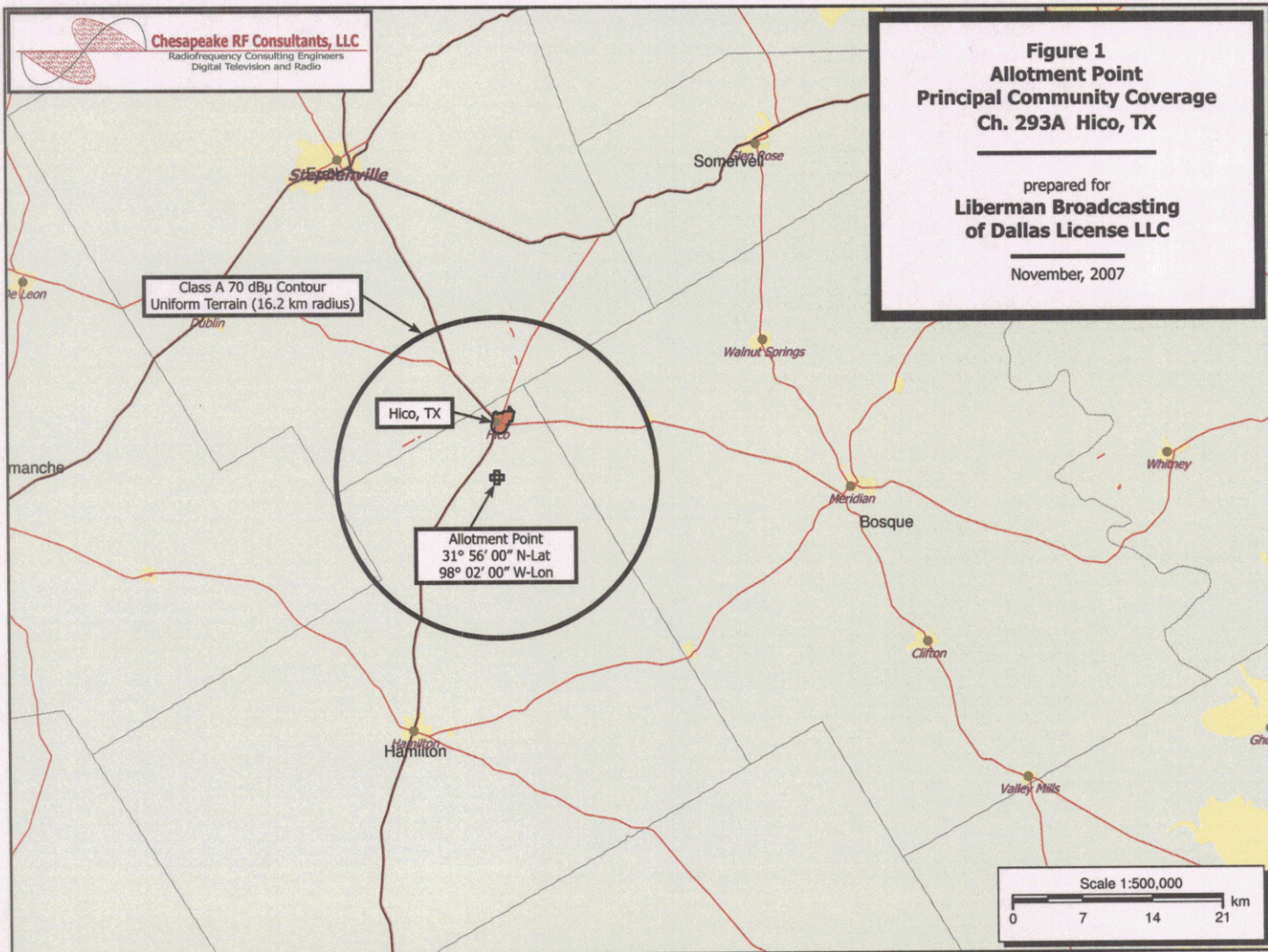
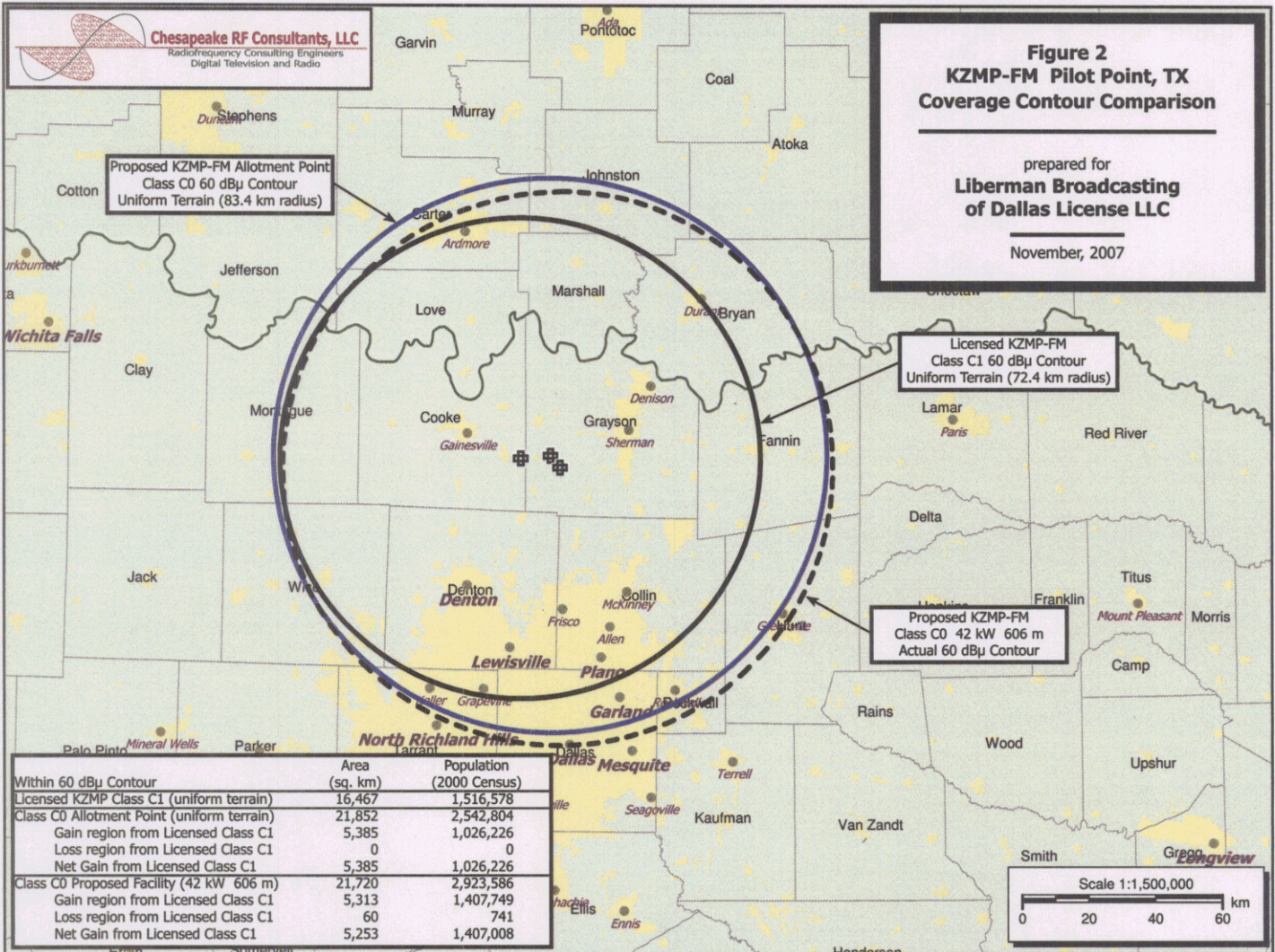


Figure 2
KZMP-FM Pilot Point, TX
Coverage Contour Comparison

prepared for
Liberman Broadcasting
of Dallas License LLC

November, 2007



	Area (sq. km)	Population (2000 Census)
Within 60 dBu Contour		
Licensed KZMP Class C1 (uniform terrain)	16,467	1,516,578
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Gain region from Licensed Class C1	5,385	1,026,226
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Gain region from Licensed Class C1	5,313	1,407,749
Loss region from Licensed Class C1	60	741
Net Gain from Licensed Class C1	5,253	1,407,008

CERTIFICATE OF SERVICE

I, Elbert Ortiz, in the law firm of Wiley Rein LLP, do hereby certify that I have on this 26th day of November, 2007, unless otherwise noted, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Counterproposal**" to the following:

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* VIA HAND DELIVERY